

**Minutes  
Newton Planning Commission  
November 24, 2009  
Council Chambers  
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on November 24, 2009 in the Council Chambers at City Hall.

**Members**

**Present:** Stan Gabriel  
Ken Simmons  
Donny Setzer  
Kent Elliott  
Jimmy Newsome, Jr.  
Mark Stalnaker

**Members**

**Absent:** Jim Smith

**Staff Present:** Glenn J. Pattishall, AICP, Planning Director/Asst. City Manager  
Alex Fulbright, AICP, Assistant Planning Director

**Others:** None

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**Item 2: Consideration of Minutes October 27, 2009 Meeting**

**Chairman Simmons** asked for consideration of the minutes of the October 27, 2009 meeting. There being no corrections or additions, Chairman Simmons ruled that the minutes were approved as presented.

**Item 3: Old Business—Discussion of Draft Text Amendments to Zoning Ordinance and Subdivision Regulations to Implement Recommendations of Eastside and Southeast Area Plans Citywide**

**Mr. Fulbright** read from his November 18, 2009 memo to the Planning Commission concerning proposed language to implement recommendations from the Eastside and Southeast Area Plans, not only for those areas, but citywide as had been discussed in prior Planning Commission meetings. He reviewed the changes that had been made to the draft language that had resulted from the October Planning Commission meeting. He explained the Subdivision Regulations affected new development and that the Zoning Regulations affected existing and new development and re-development in terms of applicability.

Mr. Fulbright discussed access and connectivity. He said that the language that was originally presented to the Planning Commission had stayed the same but now reflected the comments concerning topographic considerations.

**Mr. Elliott** suggested that the spacing between streets in terms of stub-outs or connectivity be increased from the proposed 565 feet to 800-900 feet or where existing streets adjoin the subject property. He expressed concern that there may be too many access points required under the proposed language. He asked what if topography wasn't an issue. **Mr. Fulbright** responded that 565 foot spacing would dictate the number of required connections.

**Mr. Elliott** said that he felt there needed to be more spacing in terms of distance such as 800-900 feet. He discussed an example previously with a parcel off of Mt. Olive Church Road where five access points would be required under the proposed language. **Mr. Fulbright** responded that it could be modified by the type of use such as low density which would require less numbers of connections or stub-outs.

**Mr. Elliott** asked where wording was on density. **Mr. Fulbright** said it was not included but can be included if the Planning Commission wishes.

**Mr. Elliott** expressed concern that low density shouldn't need a stub-out at every 565 feet, that there needed to be some modifications to reflect the density of the zoning or the proposed development.

**Mr. Fulbright** said that the Subdivision Review Board would determine the adequate or proper number of stub-outs.

**Mr. Setzer** asked if the proposed language was the same as with other cities. **Mr. Fulbright** responded, yes it was, it was based on model language.

**Mr. Elliott** said some rural tracts don't need as many stub-outs where density is lower. He said that the language needed to be cleaner and clearer.

**Mr. Fulbright** said he used inner city block examples when he was talking about the required stub-outs in the prior example on Mt. Olive Church Road. **Mr. Elliott** asked that wording be added to recognize density.

**Mr. Pattishall** asked for Planning Commission consensus on that. **Mr. Stalnaker** said he did not want too many variances on the standards and he was open to ideas.

**Mr. Fulbright** reviewed the cul-de-sac requirements in the Subdivision Regulations. There was no comment. He then reviewed sidewalks, greenways, and pedestrian facilities. He explained the new standards for sidewalks with regard to cul-de-sacs. He said that cul-de-sacs are required under the Fire code to have a 96 foot pavement diameter.

**Mr. Fulbright** reviewed the open space requirements of the Subdivision Regulations. **Mr. Elliott** said he felt that 1,000 square feet was okay versus the proposed 1500 square feet as the basis for fees in lieu of dedication and for open space set aside. **Mr. Fulbright** explained the 1500 square foot basis was from the County regulations. **Mr. Simmons**, **Mr. Setzer**, and **Mr. Stalnaker** and **Mr. Gabriel** indicated they were fine with the 1500 square foot requirement. **Mr. Elliott** expressed his disagreement with this.

**Mr. Stalnaker** asked for an explanation of formal versus informal open space. **Mr. Fulbright** gave various examples that open space could be spread around the development as opposed to just being concentrated in one area.

**Mr. Fulbright** reviewed vehicle access and connectivity requirements. **Mr. Setzer** asked about side street access. **Mr. Fulbright** said that the proposed language would allow one driveway per abutting street. **Mr. Stalnaker** asked how longer frontage is addressed. **Mr. Fulbright** said there is a process that is used in terms of driveway spacing having to do with speed limits.

**Mr. Fulbright** reviewed pedestrian access and circulation with no discussion. He then reviewed buffers and screening. He stated that the reality of stream buffer requirements was that the Stormwater Regulations in new development would require this. He said there is a minimum one-acre density factor. He said that smaller lots, an acre or less, could be significantly impacted if buffer regulations were put on all streams and that this may be a little too restrictive.

**Mr. Stalnaker** asked about Paragraph #7. **Mr. Fulbright** explained that the Stormwater Ordinance and BMPs as they relate to stream buffers provide for existing vegetation to be retained. He said that some plans may improve the buffer vegetation.

**Mr. Fulbright** reviewed proposed manufactured home appearance criteria for the Zoning Ordinance. He said this will bring the standards up to the County standard and would apply to singlewides, if adopted. He explained the state building code with regard to underpinning.

**Mr. Elliott** asked about tongue and wheel removal versus no permanent foundation. **Mr. Fulbright** responded that the tongues unbolt as do the wheels and can be removed. The foundation would be permanent and the size of the mobile homes would vary.

**Mr. Fulbright** reviewed structural appearance criteria. He used PowerPoint to display images of various building exterior surfaces. **Mr. Elliott** said he felt we need to have standards and we need to start in downtown Newton. **Mr. Fulbright** discussed landscaping as a visual screen versus architectural features of a building exterior that break up the appearance. He discussed examples of metal clad clock tower versus fiber cement lap siding buildings such as in Birkdale with chipping paint.

**Mr. Elliott** questioned who would determine what does and doesn't look good. **Mr. Fulbright** explained the benefits of varied appearance standards and he said that providing a choice was a way to accomplish the objective of avoiding nondescript buildings that did not contribute to the overall appearance of the City in the area where it was being specifically erected.

**Mr. Pattishall** asked for agreement about appearance being important. There was a consensus of all Planning Commission members that appearance of buildings would be important and that having a menu of standards was a proper manner to accomplish that objective for having varied appearance regardless of exterior materials.

**Mr. Setzer** clarified this was for new construction applicability. **Mr. Fulbright** responded that was correct.

**Mr. Setzer** asked if plans would be required to be provided to prove compliance.

**Mr. Elliott** said that the issue for him was that new construction adjacent to existing buildings would be required to meet the new appearance criteria whereas existing buildings could be in terrible shape and not have to do anything. He said that some existing buildings would become a detriment to people having to build new buildings to the new higher standards.

**Mr. Fulbright** explained the nonresidential maintenance code applied to some buildings but did not help much in terms of aesthetics. It was really geared more towards health, safety and welfare.

**Mr. Setzer** said he felt that the City needed standards for new development so that the building stock will improve gradually over time. **Mr. Elliott** responded he felt it seemed ludicrous.

**Mr. Setzer** asked if regulations can apply when building ownership changes. **Mr. Pattishall** explained that it could not but the City could have standards that apply to alterations to structures and their exteriors.

**Mr. Elliott** suggested moderate standards for adjoining buildings that were pre-existing and poor quality. He said he felt that in setting standards too high for new development would be a deterrent to anyone desiring to build adjacent to rundown or lesser quality exterior appearance buildings.

**Mr. Gabriel** suggested a nonconforming regulation with amortization. **Mr. Fulbright** said that was not permitted by statute.

**Mr. Stalnaker** asked for options.

**Mr. Elliott** said he didn't want to discourage new development with standards that would be too great, but he agreed that something was needed for new development as well as for existing development if the City ever hoped to see improvement of its building stock and attract investment.

#### **Review of Draft Core Area Plan**

**Mr. Fulbright** said that the Core Area Plan was a very rough draft and that many changes will be made in the future as the Planning Commission reviews it. He said he wanted to go over some issues for clarification in different areas.

He displayed an ortho photo of the West A Street area and discussed existing uses that have impacted development such as areas near and around the Public Works complex.

**Mr. Setzer** said that some of the existing development has brought in lower-end housing.

**Mr. Fulbright** said that we have lots of areas for potential of higher density but it hasn't happened in his opinion due to the hodgepodge of uses. He explained that higher density would

be more likely and should be encouraged by zoning in the central area of town. He asked about higher density in those particular areas.

**Mr. Elliott** agreed. He mentioned that high vacancy rates currently may keep development from happening now.

**Mr. Setzer** asked about rezoning to higher density.

**Mr. Pattishall** explained the purpose of the Core Area Plan would be to guide and direct decisions for rezoning and that if the plan called for higher density in an area that was currently zoned for lower density that when developers or proposals were brought forth for rezoning in the area, the plan would provide guidance and support for those rezonings.

**Mr. Fulbright** discussed West 26<sup>th</sup> Street area. He mentioned existing high density adjoining low density single-family neighborhoods and the incompatible land uses such as furniture, textile, and the police complex that was adjacent to it. He said this was another area that the staff was looking at in terms of possible recommendations for density changes, specifically with regard to the single-family areas in proximity to the industrial uses which may in the future promote higher density development or redevelopment.

**Item 3: New Business**

**Presentation of 2009 Stormwater Report**

Mr. Fulbright reviewed the 2009 Report. He mentioned the requirements of the permit being education, outreach, pre- and post-construction, illicit discharge and public involvement. He stated that the City is in the final year, (#5), of its permit, and that the City has met the criteria in the permit but must renew the permit in 2010. He said that Public Works and Utilities have mapped 80% of the system versus a 75% performance requirement in the permit for outfalls. This was good.

**Item 4: Reports**

**Mr. Pattishall** reviewed the October, 2009 monthly reports.

**Item 5: Adjournment**

With no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,



Glenn J. Pattishall/AICP  
Recording Secretary

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